

ENTERED

November 29, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JEWELL THOMAS,

Plaintiff,

VS.

LANETTE LINTHICUM, *et al.*,

Defendants.

CIVIL ACTION NO. 2:22-CV-00162

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION TO RETAIN CASE AND DISMISS CERTAIN CLAIMS


Magistrate Judge. Accordingly, for purposes of § 1915A and §1915(e)(2), the Court **RETAINS**:

- (1) Plaintiff's Eighth Amendment deliberate indifference claims against Dr. Lanette Linthicum, Dr. Isaac Kwarteng, Jerry Sanchez, and Bobby Lumpkin in their individual and official capacities; and
- (2) Plaintiff's Americans with Disabilities Act and Rehabilitation Act (ADA/RA) claims against Dr. Lanette Linthicum, Dr. Isaac Kwarteng, Jerry Sanchez, and Bobby Lumpkin in their official capacities.

The Court further **ORDERS** that:

- (1) Plaintiff's § 1983 claims for money damages against Dr. Lanette Linthicum, Dr. Isaac Kwarteng, Jerry Sanchez, and Bobby Lumpkin in their official capacities are **DISMISSED** without prejudice as barred by the Eleventh Amendment;
- (2) Plaintiff's ADA/RA claims against Dr. Lanette Linthicum, Dr. Isaac Kwarteng, Jerry Sanchez, and Bobby Lumpkin in their individual capacities are **DISMISSED** with prejudice as frivolous and/or for failure to state a claim for relief.

ORDERED on November 29, 2022.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE